

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

V.

CAROL PORTER, *et al,*

Defendants.

Case No. C06-5236FDB-KLS
ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On April 13, 2006, the Clerk received plaintiff's complaint. (Dkt. #1). On May 1, 2006, the Clerk sent plaintiff a letter informing him that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* by May 31, 2006, or this matter could be subject to dismissal. (Dkt. #2). Plaintiff responded to that letter by filing an application to proceed *in forma pauperis* on May 9, 2006. (Dkt. #7). As discussed below, however, that application is deficient.

1 Pursuant to 28 U.S.C. § 1915(a)(2):
2

3 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
4 proceeding without prepayment of fees or security therefor . . . shall submit a certified
5 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
6 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
7 obtained from the appropriate official of each prison at which the prisoner is or was
8 confined.

9 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
10 six-month period immediately preceding the filing of his complaint. Plaintiff, however, has not done so.
11

12 In addition, plaintiff states in his application that he has received gifts or inheritances during the past
13 twelve months, but fails to describe the nature and extent of those gifts or inheritances. The Court thus is
14 unable to determine plaintiff's eligibility for *in forma pauperis* status at this time.
15

16 Accordingly, the Court orders the following:
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18 (1) Plaintiff shall seek to cure the above deficiencies by filing **no later than July 15, 2006**, (a) a
19 copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the
20 balance and activity of his account(s) for the six-month period immediately preceding the
21 filing of his complaint, and (b) a detailed explanation regarding the nature and extent of the
22 gifts or inheritances he has received during the past twelve months, including the amounts
23 thereof and whether he expects to continue to receive them.
24

25 **Failure to cure these deficiencies by the above date shall be deemed a failure to
26 properly prosecute this matter and the Court will recommend dismissal of this
27 matter.**

28 (2) The Clerk is directed to send a copy of this Order to plaintiff.
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30 DATED this 15th day of June, 2006.
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